



## DECLARATION FOR UTILITY PATENT APPLICATION (37 CFR 1.63)

As the below named inventors, we declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

This declaration is directed to Application No. 09/897,644, filed on 06/29/2001.

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought;

We have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and may jeopardize the validity of the application or any patent issuing thereon.

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**Name of First Inventor:**

ROBERT PITTMAN

Residence City: Melbourne

State: Florida

Country: USA

Citizenship: USA

Mailing Address: P.O. Box 2385, Melbourne FL 32901

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**Name of Second Inventor:**

DAVID J. CLINE

Signed: 

Dated: 10/10/2001

Residence City: Newport Beach

State: California

Country: USA

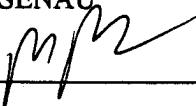
Citizenship: USA

Mailing Address: 1382 Bell Avenue, Tustin CA 92780-6430

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**Name of Third Inventor:**

PAUL ROSENAU

Signed: 

Dated: 16/10/01

Residence City: Santa Ana

State: California

Country: USA

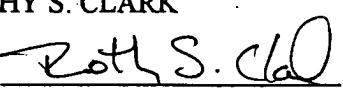
Citizenship: USA

Mailing Address: 1382 Bell Avenue, Tustin CA 92780-6430

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**Name of Fourth Inventor:**

TIMOTHY S. CLARK

Signed: 

Dated: Sep 30 01

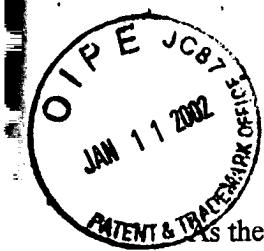
Residence City: Mill Valley

State: California

Country: USA

Citizenship: USA

Mailing Address: 117 Ryan Avenue, Mill Valley, CA 94941



## DECLARATION FOR UTILITY PATENT APPLICATION (37 CFR 1.63)

As the below named inventors, we declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

This declaration is directed to Application No. 09/897,644, filed on 06/29/2001.

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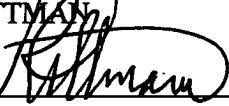
We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and may jeopardize the validity of the application or any patent issuing thereon.

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**Name of First Inventor:**

ROBERT PITTMAN

Signed: 

Dated: 11/1/01

Residence City: Melbourne  
State: Florida  
Country: USA  
Citizenship: USA

Mailing Address: P.O. Box 2385, Melbourne FL 32901

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**Name of Second Inventor:**

DAVID J. CLINE

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Residence City: Newport Beach  
State: California  
Country: USA  
Citizenship: USA

Mailing Address: 1382 Bell Avenue, Tustin CA 92780-6430

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**Name of Third Inventor:**

PAUL ROSENAU

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Residence City: Santa Ana  
State: California  
Country: USA  
Citizenship: USA

Mailing Address: 1382 Bell Avenue, Tustin CA 92780-6430

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**Name of Fourth Inventor:**

TIMOTHY S. CLARK

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Residence City: Mill Valley  
State: California  
Country: USA  
Citizenship: USA

Mailing Address: 117 Ryan Avenue, Mill Valley, CA 94941

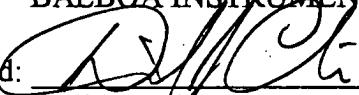


**CONSENT OF ASSIGNEE BALBOA INSTRUMENTS  
TO  
CORRECT INVENTORSHIP 37 CFR 1.48(a)(5)**

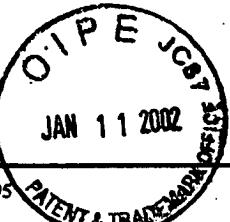
This consent is directed to Application No. 09/897,644, filed on 06/29/2001.

Having authority to act on behalf of Balboa Instrument, Inc., Assignee of the above referenced application for patent, I hereby consent to the correction of inventorship.

BALBOA INSTRUMENTS, INC.

Signed:   
David J. Cline  
President Balboa Instruments, Inc.

Dated: 10/10/2001



Form PTO-1595 (Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

**PATENTS ONLY**

Tab settings → → →

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Robert Pittman

David J. Cline

Paul Rosenau

Timothy S. Clark

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

Assignment

Merger

Security Agreement

Change of Name

Other \_\_\_\_\_

11/21/01

Execution Date: \_\_\_\_\_

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) 09/897,644

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: The Walker Law Firm, P.C.

Internal Address: Richard H. Doss, Esq.

Street Address: 1301 Dove Street, Suite 450

City: Newport Beach State: CA Zip: 92660

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

9. Signature.

Richard H. Doss, Esq.

Name of Person Signing

Signature

12/10/2001

Dat

Total number of pages including cover sheet, attachments, and documents: 5

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, Robert Pittman, an individual, a resident of the City of Melbourne, State of Florida (hereinafter referred to as "ASSIGNOR"), has invented certain new and useful improvements in field of water heaters and methods of heating water in spas, hot tubs, pools, hydrotherapy pools, bath tubs, and similar bodies of water, for which a nonprovisional application for a United States Patent was filed on June 29, 2001, Application Number 09/897,644 ("said application");

WHEREAS, Balboa Instrument, Inc. a California Corporation, having its principal place of business at 1382 Bell Avenue, in the City of Tustin, State of California, (hereinafter together with its successors and assigns referred to as "ASSIGNEE") desires to acquire the entire right, title and interest in, to and under said application;

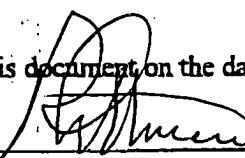
NOW, THEREFORE, for good and valuable consideration, the full receipt and sufficiency of which is hereby acknowledged, ASSIGNOR, by way of a Contract For Sale of Invention executed May 14, 2000, assigned sold, transferred, and set over to ASSIGNEE, the entire right, title and interest in, to and under said application as identified above, including any divisions, continuations and continuations-in-part thereof, and in and to any and all Patents of the United States, and patents and similar protection in countries foreign thereto, which may be granted or have granted for said invention(s) and said application, and in and to any and all reissues, reexaminations, renewals and substitutions thereof, and in and to any and all priority rights, convention rights, and other benefits predicated on, accruing, or to accrue from said invention(s) and said application, for the full term or terms for which said patents or similar protections may be issued, the same to be held and enjoyed by the ASSIGNEE for its own use and benefit fully and entirely as if the same would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR hereby authorizes the ASSIGNEE to file patent applications in any and all countries on any or all of said invention(s) and said application in ASSIGNOR'S name, or in ASSIGNEE'S name, or otherwise as the ASSIGNEE may deem advisable, under the International Convention or otherwise.

ASSIGNOR hereby authorizes the Commissioner of Patents and Trademarks of the United States, and any official of any other country empowered to issue patents, to record this Assignment, and to issue or transfer all said Patents on said inventions to the ASSIGNEE as owner of full and exclusive right, title and interest therein, or otherwise as the ASSIGNEE may direct, in accordance with the terms of this Assignment.

IN TESTIMONY WHEREOF, I have executed this document on the date indicated below.

Date: 11-21-01

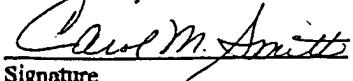
  
Robert Pittman  
President

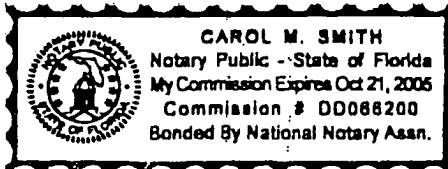
STATE OF FLORIDA

COUNTY OF Brevard

On 11-21-01 before me, Robert Pittman, personally appeared, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

  
Signature



ASSIGNMENT OF PATENT APPLICATION

WHEREAS, the following parties:

1. David J. Cline, President of Balboa Instruments, Inc., a California Corporation, having its principal place of business at 1382 Bell Avenue, in the City of Tustin, State of California;
2. Paul Rosenau, an individual whose mailing address is 2104 N. Olive Street, Santa Ana, California 92706; and
3. Timothy S. Clark, an individual whose mailing address is 117 Ryan Ave., Mill Valley, California 94941;

(hereinafter collectively referred to as "ASSIGNORS"), have invented certain new and useful improvements in field of water heaters and methods of heating water in spas, hot tubs, pools, hydrotherapy pools, bath tubs, and similar bodies of water, for which a nonprovisional application for a United States Patent was filed on June 29, 2001, Application Number 09/897,644 ("said application");

WHEREAS, Balboa Instrument, Inc., a California Corporation, having its principal place of business at 1382 Bell Avenue, in the City of Tustin, State of California, (hereinafter together with its successors and assigns referred to as "ASSIGNEE") desires to acquire the entire right, title and interest in, to and under said application;

NOW, THEREFORE, for good and valuable consideration, the full receipt and sufficiency of which is hereby acknowledged, ASSIGNORS by way of employment agreements and/or contractor/consultant agreements assigned, sold, transferred, and set over to ASSIGNEE, the entire right, title and interest in, to and under said application as identified above, including any divisions, continuations and continuations-in-part thereof, and in and to any and all Patents of the United States, and patents and similar protection in countries foreign thereto, which may be granted or have granted for said invention(s) and said application, and in and to any and all reissues, reexaminations, renewals and substitutions thereof, and in and to any and all priority rights, convention rights, and other benefits predicated on, accruing, or to accrue from said invention(s) and said application, for the full term or terms for which said patents or similar protections may be issued, the same to be held and enjoyed by the ASSIGNEE for its own use and benefit fully and entirely as if the same would have been held and enjoyed by ASSIGNORS had this Assignment not been made.

ASSIGNORS hereby authorize the ASSIGNEE to file patent applications in any and all countries on any or all of said invention(s) and said application in ASSIGNORS' names, or in ASSIGNEE'S name, or otherwise as the ASSIGNEE may deem advisable, under the International Convention or otherwise.

ASSIGNORS hereby authorize the Commissioner of Patents and Trademarks of the United States, and any official of any other country empowered to issue patents, to record this Assignment, and to issue or transfer all said Patents on said inventions to the ASSIGNEE as owner of full and exclusive right, title and interest therein, or otherwise as the ASSIGNEE may direct, in accordance with the terms of this Assignment.

IN TESTIMONY WHEREOF, I have executed this document on the date indicated below.

Date: 10/10/01



David J. Cline  
President Balboa Instruments, Inc.

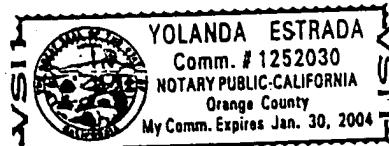
STATE OF CALIFORNIA )

COUNTY OF Orange )

On 10/10/01 before me, Yolanda Estrada, personally appeared, David J. Cline, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Yolanda Estrada  
Signature



Date: 10/10/01

MP  
Paul Rosenau

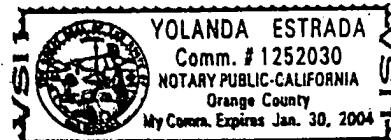
STATE OF CALIFORNIA )

COUNTY OF Orange )

On 10/10/01 before me, Yolanda Estrada, personally appeared, Paul Rosenau, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Yolanda Estrada  
Signature



Date: 9/27/01

Timothy S. Clark

STATE OF CALIFORNIA )

COUNTY OF Marin )

On September 27<sup>th</sup> 2001 before me, Lisa Davis Notary Public, personally appeared, Timothy S. Clark, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Lisa Davis  
Signature

